

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14593, of James R. Haynes, pursuant to Sub-section 8207.2 (3108.1 DCMR 11) for a special exception to locate a child development center under Paragraph 3101.41, 205 DCMR 11 in an R-1-B District at premises 5601 - 16th Street, N.W., (Square 2921, Lots 47 and 48).

HEARING DATE: May 20, 1987
DECISION DATE: June 3, 1987

FINDINGS OF FACT:

1. The site is located at the northeast corner of the intersection of 16th and Longfellow Streets and is known as premises 5601 16th Street, N.W. It is zoned R-1-B.

2. The site is rectangular in shape and is relatively flat. The site contains 8,114 square feet of lot area.

3. The site is currently improved with a large three story plus basement single-family dwelling and a three-car garage.

4. The site abuts 16th Street to the west, Longfellow Street to the south and a fifteen foot wide public alley to the east. To the north is a large single family dwelling which has been converted to the Tibetan Meditation Center. The surrounding area is generally characterized by large single-family dwellings in the R-1-B District. Two structures in the same square as the subject premises have been converted for church use.

5. The applicant amended the application at the public hearing to seek special exception approval for a child development center for sixty-five children and twelve staff. The applicant originally sought approval for eighty-four children and fifteen staff. The reduced number of children and staff would reduce the number of on-site parking spaces that the applicant is required to provide to serve the proposed facility. No variance from the parking requirements is being sought by the applicant.

6. The applicant proposes to use the basement, first, second and third floors of the subject premises for a child development center for children aged infant to fourteen years, known as the Haynes Academy. The hours of operation of the proposed facility would be from 6:30 A.M. to 6:00

P.M. The fenced-in rear yard will be used for play area. No off-site recreation area will be used. Outdoor play hours will be staggered so that all children will not be outdoors at one time.

7. Access to the subject site is via a public alley to the rear of the site of which is accessible from both Madison and Longfellow Streets. The children are dropped off at the property and escorted from the car by a staff person to the enclosed play area. The cars then depart through the alley to Madison or Longfellow Street.

8. Drop-off of children occurs between the hours of 6:30 A.M. and 8:45 A.M. Pick-up of children occurs between 4:30 P.M. and 6:00 P.M. The applicant will encourage carpooling of staff and parents and several children are likely to arrive or depart in one vehicle. Several children live near by and are expected to be walked to the site by their parents.

9. The subject site is directly accessible to Metrobus routes S-2 and S-4 which serve the 16th Street corridor. There is unrestricted parking on both sides of Longfellow Street. The applicant testified that five or six on-street parking spaces are generally available on Longfellow Street. Three on-site parking spaces are provided in the garage at the rear of the site.

10. There is one child development center located within 1,000 feet of the subject site. The Lowell School is located approximately 600 feet from the subject site. The Lowell School does not provide day care services and operates during different hours than the proposed facility.

11. The play area is buffered from adjoining properties by a six-foot stockade fence and the garage. Since hours of outdoor play are staggered and the play area is buffered from nearby properties by the fence, the garage, the public alley to the east and Longfellow Street to the south, the proposed facility should not have an adverse impact in terms of noise.

12. By memorandum dated March 23, 1987, the Service Facility Regulation Administration of the D.C. Department of Consumer and Regulatory Affairs indicated that the proposed facility can meet all licensing requirements set forth in Child Development Facilities Regulation 74-34 and D.C. Law 2-98 when all deficiencies have been corrected.

13. The Office of Planning, by memorandum dated May 12, 1987, recommended that the application be denied. The OP was of the opinion that the proposed use is excessively intense and likely to impact the character of the area adversely.

The Board notes that the recommendation of the Office of Planning was based on the applicant's original request for eighty-four children and fifteen staff rather than the amended request as presented at the public hearing.

14. The D.C. Department of Public Works, by memorandum dated May 6, 1987, offered no objection to the proposal with the condition that applicant provides staff supervision of the pick-up and discharge of students and a carpooling program. The DPW was of the opinion, given the availability of public transportation, on-street parking and the imposition of the appropriate conditions, that the proposed child development center would have a negligible impact on the surrounding street system. The Board notes that the DPW report addresses the need for variance relief from the parking requirements. As stated in Finding of Fact No. 5, no parking relief is currently required or sought based on the reduction in the number of children and staff.

15. Advisory Neighborhood Commission (ANC) 4A, by resolution dated May 13, 1987, opposed the granting of the application based on the following:

- a. The proposed facility is not compatible with the designation of the area for low and moderate density residential use set forth in the Comprehensive Plan.
- b. The arrival and departure of children and outdoor play, even in small groups, will create noise problems.
- c. Preparation of meals for the number of persons on-site each day will require delivery and storage of large quantities of food and would contribute to traffic congestion and breeding of vermin in the area.
- d. Fumes from vehicles arriving to drop-off or pick-up children will add to the existing level of air pollution from the commuter traffic on 16th Street.
- e. Drop-off and pick-up of children at the site will create a traffic hazard due to the absence of traffic signals where Longfellow and Madison Street enter 16th Street and the impediment which left turns from 16th Street would create to the existing heavy flow of commuter traffic.

16. The record contains several letters and a petition in support of the application. The general basis for the support expressed was the grave need for day care services

in the community. Several nearby residents testified in support of the application at the public hearing.

17. There was opposition to the application at the public hearing and of record. The issues raised by the opposition were generally in accord with those set forth in the ANC report cited in Finding of Fact No. 15.

18. In addressing the issues and concerns of the ANC and the opposition, the Board finds that the proposed facility is permitted in a residential neighborhood as a special exception provided that the applicant meets the criteria set forth in the Zoning Regulations. The Board is persuaded that the applicant has generally met those criteria and that the facility, as hereinafter conditioned, will not have an adverse impact on the immediate area.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Sections 205 and 3108.1 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed facility is capable of meeting all code and licensing requirements. There will be no adverse cumulative impacts as a result of the location of the Lowell School within 1,000 feet of the subject site. As hereinafter conditioned, the use will not cause adverse effects or unsafe conditions created by traffic, parking, or noise.

The Board concludes that it has given the ANC the "great weight" to which it is entitled. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and, as hereinafter conditioned, will not tend to affect adversely the use of neighboring property in accordance with said regulations and map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. Operation of the facility shall be limited to the applicant.
3. The number of children at the facility shall not exceed forty-five.
4. The applicant shall provide three parking spaces in the on-site garage reserved for the exclusive use of the child development center.

5. The hours of operation shall not exceed from 6:30 A.M. to 6:00 P.M., Monday through Friday.
6. The traffic circulation plan for discharging and boarding of students shall be from Longfellow Street and the public alley to the rear of the site. All children shall be escorted to and from vehicles by staff of the child development center. Staggered hours of arrival and departure and carpooling shall be strongly encouraged. The applicant shall inform all parents in writing of the child development center's policies related to the proposed traffic procedures.
7. The applicant shall establish and maintain a community liaison with the Advisory Neighborhood Commission and affected neighbors to ensure on-going dialogue between the child development center and the community designed to resolve any problems which may arise as a result of the proposed facility.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3101, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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